

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

Claims 1-17 are currently being cancelled.

No claims are currently being amended.

Claims 18-32 are currently being added.

This amendment and reply adds and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding and canceling the claims as set forth above, claims 18-32 are now pending in this application.

**Claim Rejections – 35 U.S.C. § 112, 1<sup>st</sup> Paragraph:**

In the final Office Action, claim 1 was rejected under 35 U.S.C. § 112, 1st Paragraph, as failing to comply with the enablement requirement, for the reasons set forth on page 2 of the final Office Action. Due to the cancellation of claim 1, this rejection is now moot.

**Claim Rejections – Prior Art:**

In the final Office Action, claims 1, 5, 8, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0142794 to Harano in view of U.S. Patent No. 5,907,307 to Bickert and U.S. Patent No. 6,661,391 to Ohara et al.; claims 3, 4 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harano in view of Bickert and Ohara et al. and further in view of U.S. Patent No. 6,615,026 to Wong; claims 6, 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harano in view of Bickert and Ohara et al. and further in view of U.S. Patent No. 7,031,762 to Shoji et al.; claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Harano in view of Bickert and Ohara et al. and further in view of U.S. Patent No. 6,590,544 to Filipovic; claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0232628 to Fehrm in view of Wong; and claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fehrm in view of Wong

and further in view of Ohara et al. These rejections are traversed with respect to the presently pending claims, for at least the reasons given below.

New independent claim 18 recites:

*A portable telephone comprising:*

*a casing,*

*an antenna mounted on an end of said casing; and*

*a dielectric member having a relative dielectric constant of more than one and little loss;*

*wherein said dielectric member is directly connected to a side of said antenna, said side of said antenna being positioned farther away from a body of a user when the user is operating the portable telephone.*

Referring now to the drawings of the present application, a dielectric member (17, 17A, 17B, 27A, 27B, 53) having a relative dielectric constant of more than one is directly connected to a side of an antenna (16, 16A, 16B, 26A, 26B, 52). This is shown in Figures 1 to 5, 10 and 11 of the drawings.

The above-mentioned feature recited in new independent claim 18 produces an advantageous effect in that more electromagnetic waves radiated from the antenna 16 can be concentrated on the side opposite to the human body, resulting in a relative decrease in electromagnetic energy loss due to the human body, as mentioned on page 5, lines 13 to 22, and on page 11, next-to-last line to page 1, line 5 of the specification.

In contrast, Bickert discloses a dielectric member 12 that is distantly arranged from an antenna 10 with a spacing therebetween, as shown in Figure 2 of Bickert. That is, the dielectric member 12 is not directly connected to the antenna 10 in the structure of Bickert. Even if one assumes for argument space that the space between the dielectric member 12 and the antenna 10 serves as a pseudo-dielectric member, that space has a relative dielectric constant of much more than one and it also has a large energy loss, in contrast to the features recited in new independent claim 18.

In its rejection of claim 13, now canceled, over the combined teachings of Fehrm and Wong, the final Office Action relied on Wong to teach a dielectric member positioned farther from where a palm of a user is located than an antenna is positioned with respect to the palm of the user, when the user is holding the portable telephone within the palm in order to operate the portable telephone. However, Wong's disposition of his dielectric member is

within a housing of his mobile telephone at a middle section of his mobile telephone, as seen in Figure 1 of Wong, and thus Wong does not teach or suggest that *a side of the antenna is positioned farther away from a body of a user when the user is operating a portable telephone*, as now explicitly recited in new independent claim 18.

Page 3 of the Advisory Action Continuation Sheet refers to a separate antenna 20 mounted on an outer surface, as shown in Figure 1 of Wong, but this does not change the fact that Wong's dielectric member 12, 14 is provided within the housing of his portable telephone.

On page 17 of the final Office Action, it asserted that column 2, lines 46-54 of Wong teaches that other types of antennas besides a single pole antenna may be utilized in the system of Wong. While this may indeed be the case, this clearly means that other types of antennas, such as a dipole antenna, can be utilized in the system of Wong, whereby those other types of antennas would still be totally encased within a housing of the mobile telephone. To assert otherwise is incorrect, since Wong does not contemplate a different disposition of his antenna beyond what is shown in Figures 1-4 of Wong.

Since none of the other cited art of record rectifies these deficiencies of Bickert and Wong, presently pending independent claim 18 patentably distinguishes over the cited art of record, when taken as a whole.

With respect to new dependent claim 21, that claim recites:

*wherein said casing includes a lower casing on which a keyboard is disposed and an upper casing on which a speaker and a display screen are disposed;*

*wherein said antenna includes a lower antenna mounted on an lower end of said lower casing and an upper antenna mounted on an upper end of said upper casing;*

*wherein said dielectric member includes a lower dielectric member and an upper dielectric member;*

*wherein said lower dielectric member is directly connected to a front side of said antenna, said front side of said antenna being positioned farther away from a palm as the body of the user when the user is holding said lower casing within the palm in order to operate the portable telephone;*

*wherein said upper dielectric member is directly connected to a back side of said antenna, said back side of said antenna being positioned farther away from a head as the*

*body of the user when the user is holding said upper casing adjacently the head in order to operate the portable telephone.*

In its rejection of claim 16, now canceled, the Office Action refers to Ohara et al. for teaching certain features of that claim that are now recited in a different form in new dependent claim 21. Applicants respectfully disagree. Ohara et al. does not contemplate two different connections of his antenna to his radio communication device 26. Rather, **Ohara et al. merely describes one connection point (top left opening as shown in Figure 9 of Ohara et al.) for connecting his antenna 11 to a housing 27 of his radio communication device 26,** which falls well short of the specific features recited in new dependent claim 21.

Please note that new dependent claim 21 addresses the “single antenna configured to be coupled to EITHER a back surface of the upper casing OR a front surface of the lower casing” issue raised on page 4 of the Advisory Action Continuation sheet, whereby Ohara et al. cannot teach or suggest the specific features recited in claim 21.

Accordingly, since neither Bickert nor Harano (nor any of the other cited art of record) makes up for these deficiencies of Ohara et al. (as acknowledged in the final Office Action due to its reliance on Ohara et al. in rejecting claim 16), new dependent claim 21 is patentable over the cited art of record.

**Conclusion:**

Since all of the issues raised in the final Office Action and the Advisory Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for

such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to  
Deposit Account No. 19-0741.

Respectfully submitted,

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